IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 13863 of 2006(A)

PETITIONER:

K.M. ABDUL KHADER,
SECRETARY (UNDER SUSPENSION), TIRUR CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.M.11, TIRUR, MALAPPURAM.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

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1. THE TIRUR CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.M.11, TIRUR, MALAPPURAM, REPRESENTED BY ITS SECRETARY.

2. THE PRESIDENT,
THE TIRUR CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.M.11, TIRUR, MALAPPURAM.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), TIRUR.

4. THE KERALA STATE CO-OPERATIVE EMPLOYEES PENSION BOARD, THIRUVANANTHAPURAM, REPRESENTED BY IS SECRETARY.

BY ADV. SRI.V.G.ARUN, SC,KSCEPB (R1 & R2)
BY SR. GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits:

Ext.P1 A true copy of the letter dated 6.2.2006.

Ext.P2 A true copy of the covering letter sent by the first respondent to the 3rd respondent dated 9.2.2006.

Ext.P3 A true copy of the application dated 20.2.2006.

Ext.P4 A true copy of the communication dated 3.3.2006 issued by the Secretary of the first respondent Bank.

Ext.P5 A true copy of the communication issued by the second respondent dated 30.3.2006.

Ext.P6 A true copy of the communication dated 12.4.2006.

//true copy//

P.S. to Judge.

J.M. JAMES, J.

W.P.(C) No. 13863 of 2006

Dated this the 8th January, 2007.

J U D G M E N T

The writ petitioner retired on 31.5.2006. He was suspended on 30.3.2006. An enquiry was held under Section 65 of the Kerala Co-operative Societies Act, 1969, in short 'the Act'. That was in the year 2005. The report of the enquiry was filed on 3.2.2006. At the time of the retirement, the writ petitioner remained under suspension. He was the Secretary of the first respondent, Bank. The grievance of the writ petitioner, therefore, is that the 3rd respondent, the Assistant Registrar of Co-operative Societies (General), Tirur, has not signed his pension papers, and declined to forward the same to the 4th respondent, Pension Board, because of which, he is not paid with the pension, for which he is entitled, as he was in service for 34 years, submits the counsel.

2. The learned counsel appearing for the first respondent, Bank, submitted that the report of the enquiry under Section 65 of the Act was filed only on 3.2.2006. The Board of Directors of the first respondent Bank passed the resolution on 29.3.2006, for suspending the writ petitioner, and also for proceeding

with the domestic enquiry against him. The suspension took place on 30.3.2006. It is submitted that the domestic enquiry is still pending. The liabilities and loss caused by the writ petitioner during his service has to be ascertained. Hence the delay in signing the pension papers and forwarding the same to the 4th respondent.

3. After hearing both sides, and considering the facts that are placed before me, I direct the first respondent to complete the enquiry, that is being held against the writ petitioner, as early as possible, and in any case, within three months from the date of production of a copy of this judgment. Immediately on completion of the domestic enquiry, the liabilities and entitlements of the writ petitioner shall be fixed by the first respondent, and steps shall be taken to forward the pension papers, according to the provisions of the Acts and Rules thereunder, to the 4th respondent. The pension shall be disbursed to the writ petitioner within two months from the completion of the enquiry and fixing of the liabilities.

The writ petition is disposed of as above.

J.M. JAMES,
JUDGE

nj.